THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.11538 of 2007

Between:

M.Yedukondalu.

.. PETITIONER

and

The Additional Agent to the Government,
Rampachodavaram and others.

..
RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.11538 of 2007

ORDER:

The learned counsel appearing for the petitioner submits that as against the order of the 2nd respondent in L.T.R.P.No.61 of 2004, dated 22-06-2004, the petitioner filed an appeal before the 1st respondent in the month of September, 2006, along with an application to condone the delay of 25 months in filing the appeal and the same are pending.

Pending disposal of the condonation application, the petitioner filed this writ petition seeking a Writ of Mandamus to direct the respondents not to evict the petitioner from the land in question.

I am of the opinion that unless the condone delay application is considered and disposed of, the relief claimed in this writ petition cannot be granted. Further, this writ petition has not been filed seeking direction to the Appellate Authority to consider and dispose of the condone delay application.

Having regard to the facts and circumstances of the case, the writ petition is dismissed with a liberty to file fresh writ petition seeking appropriate direction to the Appellate Authority to consider and dispose of the delay condonation application. There shall be no order as to costs.

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07-06-2007

Prv